

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
BARBARA A. BAUMGARTEN,

Plaintiff,

-against-

CV-12 0171

**DECLARATION
IN OPPOSITION**

SUFFOLK COUNTY, SUFFOLK COUNTY POLICE
DEPARTMENT, SUFFOLK COUNTY P.O. LINDA
LOLLO, sued herein individually and in her official
capacity, P.O. ____ RAPPERGER, sued herein in
his individual and official capacity, P.O. ____
Maresca sued herein in his individual and official
capacity, Sgt. ____ KEARNS of the Suffolk County
Police Department sued herein in his individual
and official capacity, Town of Brookhaven, and
Raymond Negron, sued herein in his individual and
official capacities,

(Seybert, J.)
(Tomlinson, M.J.)

Defendants.

-----X
DAVID H. ARNTSEN, an attorney duly authorized to practice law before the courts of
the State of New York, and specifically before the United States District Court of the Eastern
District of New York, affirms the following under penalty of perjury:

1. I am with the firm of DEVITT SPELLMAN BARRETT, LLP, counsel to the
Town of Brookhaven in the referenced matter. I make this Declaration in opposition to the
plaintiff's papers entitled "Plaintiff Reply Index Case CV-12-171", and undated, in which the
plaintiff also appears to request "a motion of reconsideration" with regard to defendants
Brookhaven and Raymond Negron, whom this office represents.

2. As the Court is aware, by Order dated July 31, 2013, these defendants were
dismissed from this action (DE79).

3. By motion filed at DE84, this office moved for partial judgment pursuant to Rule 54(b).

4. It is respectfully submitted to the Court that the plaintiff's continuing bombardment of the Court with applications that have been made and denied in the past is further evidence of the need for the entry of partial judgment in favor of Brookhaven and Negron in order to save them from the need to continuously reply to the frivolous and baseless motion practice instituted by plaintiff Baumgarten.

5. It is clear that the relief sought by the plaintiff is improper procedurally and substantively and that she is not entitled to reconsideration at this late date of the Order dismissing Brookhaven and Negron from the case.

WHEREFORE, it is respectfully submitted that the motion be denied.

Dated: Smithtown, New York
February 19, 2014

_____/S/_____
DAVID H. ARNTSEN